

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	Criminal No. 1:CR-01-00248
)	
v.)	(Judge Caldwell)
)	
MICHAEL A. PARKER)	

MOTION FOR CORRECTION OF CLERICAL ERROR
PURSUANT TO FED.R.CRIM.P. 36

AND NOW comes the defendant Michael A. Parker, and files this Pro Se Motion for Correction of Presentence Report, Judgement Of Commitment, and Statement Of Reasons Pursuant to Fed.R.Crim.P. 36 and, in support thereof, alleges as follows:

FILED
HARRISBURG, PA
SEP 08 2005

MARY E. D'ANNUNZIA, CLERK
Per [Signature]
Deputy Clerk

1. On May 2, 2003 upon sentencing the court sustained the defendants objection to the PSR's Recommendation for a 2-point enhancement for possession of a dangerous weapon. (see sentencing transcript page 8(54a).) Judge Caldwell was reluctant to make that finding on the basis of the Grand Jury testimony because Juan Estrella wasn't subject to cross-examination.
2. After being in Bureau Of Prisons custody the defendant learned that the offense level which should had been a 35 remained at a 37 on the Judgement Of Commitment and Statement Of Reasons. Also the defendant learned that the PSR hadn't been revised, inwhich, the PSR was still showing a 2-point enhancement for a dangerous weapon with a offense level of 37 due to the enhancement.

3. These issue's were addressed by the defendent on appeal and was to be corrected on remand along with a decision by the Appeals Court to resentence the defendent in regards to Booker.

4. At resentencing these issue's were addressed by the defendent and Counsel James West and the JOC, SOR, and PSR was to be corrected by the Court. However, after the defendent arrived to Federal Satellite Low Elkton back in BOP custody the defendent learned that the Judgement Of Commitment, Statement Of Reasons, and PSR hadn't been corrected.

5. Fed.R. Crim.P. 36 allows for Clerical Errors to be corrected as the Court deems neccessary.

WHEREFORE the defendents asks that the Court correct the defendents Judgement Of Commitment, Statement Of Reasons, and Presentence Report and send said copies to FSL Elkton.


Respectfully Submitted,
Michael A. Parker 55285-066
Defendent

FSL Elkton
P.O. Box 10
Lisbon, OH 44432

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August, 2005, this motion was upon the Party named below by depositing same in the United States Mail at FSL Elkton, First Class Postage paid, and addressed as follows:

Mary E.D'Andrea, Clerk
Federal Building
228 Walnut Street
P.O. Box 11754
Harrisburg, PA 17108



Michael A. Parker
55285-066
Defendent

RECEIVED
HARRISBURG, PENNSYLVANIA

2005 SEP -8 AM 9:05

UNITED STATES ATTORNEY
DEPARTMENT OF JUSTICE

NAME Michael A. Parker
REG.# 55285-066
FCU/SL Eikton
P.O. Box 10
Lisbon, OH 4432

17108-1754

[REDACTED]
Federal Building
228 Walnut Street
P.O. Box 11754
Harrisburg, PA 17108

